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May 3, 2007

VIA ELECTRONIC FILING

Marlene H Dortch, Secretary
Federal Communications Commission
445 12th Street, S W
Room TW-B204
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Communications:

**CC Docket No. 94-102 - Revision of the Commission's Rules to Ensure
Compatibility with Enhanced 911 Emergency Calling Systems**

**WT Docket No. 06-150 - Service Rules for the 698-746, 747-762 and 777-792
MHz Bands**

**Docket No. 05-265 - Reexamination of Roaming Obligations of CMRS
Providers**

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, we hereby provide you with notice of oral *ex parte* presentations in connection with the above-captioned proceedings. The presentations occurred on May 3, 2007 in meetings with:

Commissioner Jonathan Adelstein and Legal Advisor Barry Ohlson
Bruce Gottlieb, Legal Advisor to Commissioner Michael Copps
Angela Giancarlo, Legal Advisor to Commissioner Robert McDowell
Aaron Goldberger, Legal Advisor to Commissioner Deborah Tate

Attending the meeting on behalf of Rural Cellular Association, in addition to the undersigned, was Arthur L. Prest of Arthur L. Prest & Associates. We discussed positions presented in RCA's comments in each docket and as supplemented below.

Regarding the E-911 proceeding, there have been recent press reports that indicate the Commission is considering issuing a declaratory ruling that would determine the area over which wireless carriers must measure location accuracy results. If the reports are accurate, the Commission should not proceed with a declaratory ruling but instead should begin a notice and comment rulemaking proceeding that complies with the Administrative Procedure Act. Also with regard to E-911, RCA's representatives noted that many of the association's wireless operators utilize GSM technology for which no handset-based E-911 solution is commercially available. As service providers in rural areas RCA's GSM members must rely upon network-based solutions that often do not produce nearly the same level of accuracy as can be obtained in more densely populated areas that are served by large carriers with more cell sites. If the Commission adopts new rules or otherwise requires measurement of accuracy and/or compliance with accuracy standards according to certain areas, RCA requests that the Commission recognize the inherent problems faced by rural area operators and provide flexibility and possibly exceptions to the rules where there is not a commercially reasonable means for rural carriers to achieve compliance.

With respect to the 700 MHz rulemaking, RCA fully supports the Commission's proposal to adopt a modified version of RCA's recommendation concerning performance requirements. That proposal combines performance requirements based upon geographic benchmarks and a "keep what you use" rule.¹ The scarcity of spectrum of the quality to be offered in the 700 MHz auction makes it of the utmost importance that the licenses be used to serve the public regardless of where they are located in a license area. The series of geographic area coverage requirements when combined with a "keep what you use" rule provides the right incentives for licensees to make maximum use of the spectrum. No one is wrongly penalized by a return of unused spectrum. A special term relating to federal lands would preserve a licensee's ability to serve such areas in circumstances where tower siting and other issues delay construction and service.²

Also with regard to the 700 MHz rulemaking, RCA supports a band plan in the Upper 700 MHz band that would provide at least one paired block of spectrum with a geographic license size smaller than REAG, preferably a CMA-sized area.

Pertaining to the automatic roaming proceeding, RCA representatives reviewed the position included in Comments filed on November 28, 2005. RCA asks the Commission to establish a good faith negotiating standard for wireless carriers. The availability of automatic roaming is of great importance to consumers in their ability to make and receive calls and data

¹ *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 06-150, FCC 07-72, released April 27, 2007 ("FNPRM"), at paragraphs 212-219.

² FNPRM at para. 213, citing at fn. 459 a letter from the undersigned dated April 23, 2007 on behalf of Cellular South Licenses, Inc., at Attachment.

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when traveling outside their home carrier's market areas

Sincerely,

[filed electronically]

David L Nace

cc: Best Copy and Printing, Inc. (by email)